

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RICKY JOE RAKES,)
)
Plaintiff,) Civil Action No. 3:20-cv-581-HEH
v.)
)
MS. GOODE, *et al.*,)
)
Defendants.)

MEMORANDUM OPINION
(Dismissing Remaining Claims and the Action)

By Memorandum Order entered on August 25, 2020, the Court conditionally docketed Plaintiff's action. At that time, the Court warned Plaintiff that he must keep the Court informed as to his current address if he was relocated, transferred, or released.

By Memorandum Opinion and Order entered on September 12, 2022, the Court granted a Motion for Summary Judgment filed by Nurse Vass. (ECF Nos. 38, 39.) Claims One (a) and (b) were dismissed with prejudice and Nurse Vass was dismissed as a party to this action. (ECF No. 39.)

By Memorandum Opinion and Order entered on September 7, 2022, the Court granted in part a Motion to Dismiss filed by Warden Goode, Lt. Gallimore, Lt. Stanley, and Major Hurt. (ECF Nos. 36, 37.) Claims Two (a)-(c), Three (a)-(b), Four (a)-(b), and Five (a) were dismissed with prejudice. (ECF No. 37.) Major Hurt was dismissed as a party to this action. (*Id.*) Warden Goode, Lt. Gallimore, and Lt. Stanley were ordered to file an Answer to the three remaining claims, Claims Two (d), Four (c), and Five (b), respectively. (*Id.*) Their time for doing so has not yet expired.

On September 26, 2022, the United States Postal Service returned the September 12, 2022 Memorandum Opinion and Order to the Court marked, “RETURN TO SENDER,” “UNABLE TO FORWARD,” and “Inmate not in VADOC.” (ECF No. 40–1 at 1.) Since that date, Plaintiff has not contacted the Court to provide a current address. Plaintiff’s failure to contact the Court and provide a current address indicates his lack of interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b). Accordingly, the three remaining claims, Claims Two (d), Four (c), and Five (b) will be dismissed without prejudice. Warden Goode, Lt. Gallimore, and Lt. Stanley will be excused from filing an Answer to said claims. The action will be dismissed.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Oct. 6, 2022
Richmond, Virginia